



IFW

PATENT Case No. 20703Y

1633

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert K. Evans

Serial No. 09/888,304

Filed: June 22, 2001

For: POLYNUCLEOTIDE VACCINE ADJUVANTS AND
FORMULATIONS CONTAINING CATIONIC
SURFACTANTS AND METHODS OF USE

Art Unit: 1633

Examiner: Wehbe, Anne Marie
Sabrina

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By C. Rapucki Date 5-8-07

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

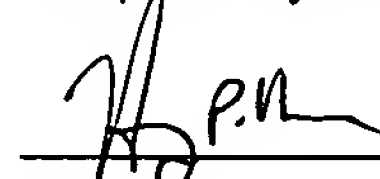
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Henry P. Wu

Attorney _____ For Applicant(s)

Reg. No. 44,412

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

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Date: May 8, 2007

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

2

COMPLETE IF KNOWN**Application Number**

09/888,304

Filing Date

June 22, 2001

First Named Inventor

Robert K. Evans

Group Art Unit

1633

Examiner Name

Wehbe, Anne Marie Sabrina

Attorney Docket Number

20703 Y

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
	B01	PCT	WO 96/04932		Cytrx Corporation	02/22/1996
	B02	PCT	WO 97/40839		Merck & Co., Inc.	11/06/1997
	B03	PCT	WO 97/42962		Bergeron et al.	11/20/1997
	B04	PCT	WO 98/35562		Merck & Co., Inc.	08/20/1998
	B05	PCT	WO 99/06055		Supratek Pharma Inc.	02/11/1999
	B06	PCT	WO 99/21591		American Home Products Corp.	05/06/1999

**Examiner
Signature**

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				COMPLETE IF KNOWN	
				Application Number	09/888,304
				Filing Date	June 22, 2001
				First Named Inventor	Robert K. Evans
				Group Art Unit	1633
				Examiner Name	Wehbe, Anne Marie Sabrina
Sheet	2	of	2	Attorney Docket Number	20703Y

[illegible]

Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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